

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 724 (Sub-No. 1)

UNITED STATES RAIL SERVICE ISSUES

Digest:¹ In this decision, the Board denies Canadian Pacific Railway's request that it not be required to file weekly status reports on its delivery of fertilizer.

Decided: April 23, 2014

Pursuant to a decision served on April 1, 2014, in United States Rail Service Issues, Docket No. EP 724, the Board held a public hearing on April 10, 2014, at its offices in Washington, D.C., to provide interested persons the opportunity to report on recent service problems in the United States rail network, to hear from rail industry executives on plans to address their service problems, and to discuss additional options to improve service. During the hearing, farmers and representatives of agriculture producers told the Board that without timely delivery of adequate amounts of fertilizer, they will not be able to commence spring planting for the 2014 crop. In a decision served on April 15, 2014, the Board directed Canadian Pacific Railway (CP) and BNSF Railway Company (BNSF) to report to the Board on their plans to ensure delivery of fertilizer shipments for spring planting of U.S. crops, and to file weekly status reports over the following six weeks regarding the delivery of fertilizer on their respective networks.

Both railroads timely filed their plans with the Board. In its filing, CP requests that it not be required to report on weekly fertilizer volumes because it has a relatively small presence in agricultural fertilizer and plant nutrients in the Dakotas, Iowa, and Minnesota.

Although CP may transport smaller volumes of fertilizer in the referenced areas than BNSF, timely delivery of fertilizer is critical to spring planting and crop production for 2014. If the Board does not receive sufficient data indicating that fertilizer is being timely delivered, the Board may need to consider more direct measures to facilitate delivery of these time-sensitive products. See, e.g., 49 U.S.C. § 11123(a)(4)(A) (Board has authority to issue an emergency service order directing a carrier to prioritize movements). Therefore, CP's request that it not be required to report weekly on the delivery of fertilizer is denied.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CP's request that it not be required to report weekly on the delivery of fertilizer is denied.
2. This decision is effective on its service date.

By the Board, Chairman Elliott and Vice Chairman Begeman.